

**CHIROPRACTIC EXAMINING BOARD
MINUTES
September 22, 2005**

PRESENT: Steven Conway, Susan Feith, Wendy Henrichs,
James Koshick, Steven Silverman

EXCUSED: Char Glocke

STAFF PRESENT: Jeff Scanlan, Director of Health Service Professions; Dennis Schuh,
Legal Counsel, Gina York, Bureau Assistant, and Division of
Enforcement and other staff

GUESTS: Paul Merline, WAHP; Jeremy Levin, WI Medical Society;
Jason Johns, WPTA/WDA; Jim Greenwald, Self

CALL TO ORDER

Wendy Henrichs, Vice Chair, called the meeting to order at 8:04 a.m. A quorum of five members was present.

APPROVAL OF AGENDA

Additions to the Agenda:

- Open Session: After Item G. – Add NBCE November 11, 12, 13, Part IV Practical Examination Administration
- Closed Session: After Monitoring Received After the Mailing of the Agenda – Add Names: Michael LaBlanc, D.C. and Randal Arnold, D.C.

MOTION: Steven Conway moved, seconded by Susan Feith, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 4, 2005

Amendments to the Minutes:

- Page 3: Last sentence change “length” to “lengthy”
- Page 8: Fifth motion change doctors name to initials.

MOTION: Susan Feith moved, seconded by Steven Silverman, to approve the August 4, 2005 minutes as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

None.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

None.

ADMINISTRATIVE REPORT

Jeff Scanlan, Director of Health Service Professions, and Acting Chair, Wendy Henrichs, welcomed new board member James Koshick to today's meeting. Mr. Scanlan shared that he had a plaque for Dr. James Weber in appreciation for this dedicated service to the Department and the Board. Mr. Scanlan will ensure this plaque is sent on to Dr. Weber. The building renovations are on target and the scheduled date for moving DRL staff will be the week of October 10, 2005. Mr. Scanlan also reviewed the hotel policy for the rest of this year and 2006 with the Board at today's meeting.

STATUS REPORT ON RULES AND STATUTES DENNIS SCHUH

Dennis Schuh, Legal Counsel, reviewed the summary reports with the Board at the September 22, 2005 meeting and was available to them for follow up questions. Specific draft rule changes will be reviewed and discussed later in today's meeting.

DIVISION OF ENFORCEMENT ISSUES & PROCEDURES ERIC CALLISTO

Eric Callisto, Division Administrator of Enforcement, informed the Board that there was one particular case in which a change in the case advisor occurred without prior notice. Mr. Callisto affirmed with the Board that this will not occur in the future. He has encouraged working in a collaborative effort by all parties involved. The other issue has been that on several occasions case advisors are getting cases early but there is no contact for months and no underlying documentation is provided on the cases. Then case advisors receive a call for a decision and have to request information before they can make a recommendation on the case. Mr. Callisto will notify his staff of the concerns identified at today's meeting. The Board stated they have seen, over the last couple of weeks, some improvement in the handling of cases.

REVIEW OF SCOPE STATEMENT PENDING RULES CHANGES REGARDING NUTRITIONAL COUNSELING

On July 25, 2005, Governor Doyle signed into law new legislation. The Board is now looking at possible rule changes that may be needed to implement this new legislation. Dennis Schuh, Legal Counsel, reviewed the steps involved in the rulemaking process. As the Board gathers background information and prepares questions on this issue for their next Board meeting; Attorney Schuh reminded the Board of the definition of a walking quorum to ensure all members were aware.

Since this is a lifetime certification, the Board wants to ensure that individuals have sufficient training or education to protect the public. Vice Chair, Wendy Henrichs received communication from WCA asking for approval of a program they are offering and a request to approve Northwestern's program while going through the rulemaking process. Dennis Schuh, Legal Counsel, has also spoken with WCA's attorney regarding the criteria for emergency rules. The Board would like to hear from other professions and has extended an invitation for dietitians and nutritional counselors to provide input on this issue. At that time, WCA will also be provided an opportunity to present information to the full Board regarding their program. The Board would like to gather as much information surrounding this issue before making any permanent decisions.

MOTION: Steven Conway moved, seconded by Steven Silverman, to approve the scope statement regarding nutritional counseling as written. Motion carried unanimously.

REVIEW OF DRAFT RULES CHANGES TO CHIR 5 CONTINUING EDUCATION RELATING TO INTERNET CE AND CLEANUP OF EXISTING RULES

The Board discussed and reviewed draft rule changes to Chir 5 addressing continuing education, internet CE, and any clean up of existing rules. After discussion and consideration of information provided at the meeting. The Board made some additional revisions to the language and requested specific definitions to be included in the language. Attorney Schuh will make the revisions identified by the Board at today's meeting.

MOTION: Susan Feith moved, seconded by Steven Conway, to approve the draft rule changes to Chir 5 as amended at today's meeting. Motion carried unanimously.

**REVIEW OF DRAFT RULES CHANGES TO CHIR 6.02 UNPROFESSIONAL
CONDUCT RELATING TO ADEQUATE TRAINING PRIOR TO
USAGE OF NEW THERAPIES**

At today's meeting, the Board discussed and reviewed draft rule changes to Chir 6.02 addressing unprofessional conduct relating to adequate training prior to the usage of new therapies. The Board made some additional revisions to the language and identified areas needing clarification as well as definitions that should be included in the proposed language. Attorney Schuh will make the revisions as identified by the Board.

MOTION: Steven Conway moved, seconded by Susan Feith, to amend and approve the draft language to Chir 6.02 as indicated at the September 22, 2005 meeting. Motion carried unanimously.

**DISCUSSION ITEM REGARDING RESPONSIBILITIES AND ETHICAL
OBLIGATIONS OF AN INDEPENDENT MEDICAL EXAMINER (IME)**

The Board requested to postpone this topic to the next Board meeting.

**DISCUSSION ITEM REGARDING ADEQUATE EDUCATION AND
TRAINING OF CHIROPRACTIC ASSISTANTS**

The Board had several questions and concerns regarding the training of Chiropractic Assistants. They looked at language in Ch 10 and would like to explore a way to maintain an approved CA course list. The Board will look at clarifying who is responsible for ensuring that CA's have received required training and ways to track, report, and ensure CE requirements have been met. At the next meeting, the Board will consider different options and formats that may be beneficial to accomplish this goal. Jeff Scanlan will ensure this topic is placed on the November 17, 2005 agenda.

**NBCE'S NOVEMBER 11, 12, & 13, 2005 PART IV PRACTICAL
EXAMINATION ADMINISTRATION**

The Board reviewed the correspondence sent by Paul Townsend, D.C., Director of Practical Testing, at NBCE. Dr. Townsend extended an invitation for board members to be examiners at the NBCE's November 11, 12, & 13, 2005 Part IV Practical Examination administration. After some discussion, the Board took the following action.

MOTION: Steven Conway moved, seconded by Steven Silverman, to approve sending up to two professional board members to the November 2005 Part IV Practical Examination administration. Motion carried unanimously.

PRECEPTOR APPROVALS

The Board reviewed the list of preceptors provided by Credentialing for the Board's approval. The list included the following individuals: Dale J. Strama, Kari J. Lund, Anthony T. Christianson, Lynn A. Biese, Bradley J. Kenny, T. Raymond Clinton, Russel R. Hauser, John T. Friedrichs, Martin L. Erlandson, Jenni R. Haak, Karen I. Gould, Jeffrey C. Mackey, Michael J. Anderson.

MOTION: Steven Conway moved, seconded by Steven Silverman, to approve the preceptors as presented at the September 22, 2005 meeting. Motion carried unanimously.

PRECEPTOR APPROVAL FOR REQUESTS RECEIVED AFTER THE PRINTING OF THE AGENDA

None.

CONSIDERATION OF ORDER FIXING COSTS IN THE MATTER OF GREGORY R. DANIELS

The consideration of the order fixing costs was presented at today's meeting regarding Gregory R. Daniels. This will be deliberated on later today in closed session.

INFORMATIONAL ITEMS

None.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

Note.

CONSULTING WITH LEGAL COUNSEL

The Board consulted with Dennis Schuh, Legal Counsel, throughout today's meeting as needed.

VISITOR COMMENTS

None.

CONVENE TO CLOSED SESSION

MOTION: Steven Conway moved, seconded by Steven Silverman, to adjourn to closed session pursuant to Wisconsin state statutes 19.85(1)(a)(b)(f) and (g) to consult with Legal Counsel regarding the Suit by WCA, deliberate on proposed stipulations, deliberate on proposed administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Motion carried by roll call vote: Steven Conway-yes; Susan Feith-yes; Wendy Henrichs-yes; Steven Silverman-yes; and James Koshick-yes.

Open Session recessed at 11:06 a.m.

RECONVENE TO OPEN SESSION

MOTION: Steven Conway moved, seconded by Steven Silverman, to reconvene into open session at 1:08 p.m. Motion carried unanimously.

MONITORING

**REQUESTING REINSTATEMENT OF LICENSURE
RICHARD HORAITIS, DC**

MOTION: Steven Conway moved, seconded by Jim Koshick, to reaffirm the Board's previous decision regarding Richard Horaitis, D.C. Motion carried unanimously.

**DELIBERATION OF MONITORING ISSUES THAT MAY BE RECEIVED
AFTER MAILING OF AGENDA**

MICHAEL LABLANC

MOTION: Jim Koshick moved, seconded by Steven Conway, to deny the request for reinstatement of full licensure regarding Michael LaBlanc, D.C. and to request additional information from Dr. LaBlanc by the November 17, 2005 Board meeting. Motion carried unanimously.

RANDAL ARNOLD

MOTION: Steven Conway moved, seconded by Jim Koshick, to deny the request for Dr. John Vincent as an approved mentor for Randal Arnold, D.C. and to recommend Dr. Arnold contact the Board monitor for a Board approved mentor. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

M.B.S. 04 CHI 060

MOTION: Steven Conway moved, seconded by Jim Koshick, to issue an administrative warning regarding M.B.S., case number 04 CHI 060. Motion carried unanimously.

**DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS
RECEIVED AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED
AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION ON THE CONSIDERATION OF ORDER FIXING COSTS
GREGORY R. DANIELS, DC (LS 0402191 CHI)**

MOTION: Susan Feith moved, seconded by Steven Silverman, to accept the order fixing costs in the matter of Gregory R. Daniels, D.C. Abstained – Steven Conway. Motion carried. Steven Conway was not available during deliberation and voting.

**DELIBERATION OF PROPOSED FINAL DECISIONS & ORDERS THAT MAY BE
SIGNED AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION OF PETITIONS FOR REHEARINGS RECEIVED AFTER
THE MAILING OF THE AGENDA**

None.

DIVISION OF ENFORCEMENT CASE STATUS REPORT

MOTION: Steven Conway moved, seconded by Steven Silverman, to not close case **05 CHI 010** for P2, compliance gained. Motion carried unanimously.

MOTION: Steve Conway moved, seconded by Jim Koshick, to close case **04 CHI 041** for insufficient evidence. Motion carried unanimously.

APPLICATION REVIEWS

None.

OTHER BOARD BUSINESS

None.

ADJOURNMENT

MOTION: Susan Feith moved, seconded by Steven Conway, to adjourn the meeting at 1:16 p.m. Motion carried unanimously.